

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EON CORP IP HOLDINGS LLC,
Plaintiff,
v.
CISCO SYSTEMS INC, et al.,
Defendants.

Case No. 12-cv-01011-JST

**MINUTE ORDER NOTING DISMISSAL
OF DEFENDANT SONUS, OR, IN THE
ALTERNATIVE, GRANTING MOTION
TO DISMISS**

Re: ECF No. 906

In this multiple-defendant patent infringement action, Plaintiff EON Corp. IP Holdings, LLC (“EON”) and Defendant Sonus Networks, Inc. (“Sonus”) have jointly moved the Court to dismiss with prejudice all claims and counterclaims asserted by and between EON and Sonus in this litigation. ECF No. 906.

There is authority indicating that the dismissals were effective without Court order. “The plaintiff may dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice,” and “[t]he filing of a notice of voluntary dismissal with the court automatically terminates the action as to the defendants who are the subjects of the notice.” Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). Wilson involved unilateral dismissal under Rule 41(a)(1)(A)(i) rather than stipulated dismissal under Rule 41(a)(1)(A)(ii), but the word “action” in Rule 41(a)(1) refers to “the entirety of claims against any single defendant,” rather than to “the entire controversy against all the defendants.” Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993). At the time Pedrina was decided, the words “in the action” appeared after the words “all parties who have appeared.” See Fed. R. Civ. Pro. 41 (West 1993). In holding that “Rule 41(a) may be invoked to dismiss less than all of the parties,” the Ninth Circuit has approvingly cited authority from other circuits applying that rule to stipulated dismissals. Lake at Las Vegas Investors Grp., Inc. v. Pac. Malibu Dev. Corp., 933 F.2d 724, 728 (9th Cir. 1991) (citing Oswalt v. Scripto, Inc., 616 F.2d 191, 194 (5th

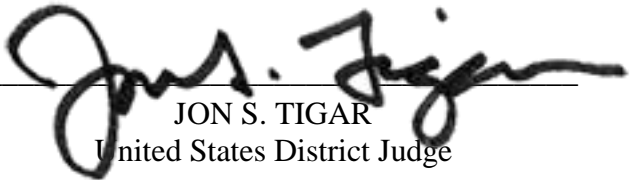
1 Cir. 1980)).

2 In the alternative, if dismissal was not effective upon court order, since no other parties
3 oppose the motion, the Court hereby GRANTS the joint motion to dismiss pursuant to Rule
4 41(a)(2).

5 All claims between EON and Sonus have been DISMISSED WITH PREJUDICE. The
6 Clerk shall terminate Sonus as a party to this action.

7 **IT IS SO ORDERED.**

8 Dated: January 23, 2014

9
10 
11 JON S. TIGAR
United States District Judge

United States District Court
Northern District of California